

the works at all times. That I gave you this order most willingly, but that I explained to you distinctly in conversation, every one of the regulations adopted, and the reasons which influenced my mind in their adoption; that you then professed your entire approbation of the means taken, and of the motives of the committee and their architect, and your anxiety to co-operate in the carrying of them into effect.

That for some time, and until the excavation approached the west end of the Old Exchange, nothing of importance was found; but that on taking up the eastern end of the old merchants' area, the pit, described in the *Archæologia*, and in my report to the committee, printed by the city, was found, containing the most abundant collection of Roman remains yet discovered in the City of London. That your anxiety to obtain possession of some of these curiosities overcame your obvious duty. That notwithstanding every exertion on our part, you did obtain possession of some, and one of great interest, a bell which was sufficiently perfect to ring; and that there was then an active pursuit made, not after you, but after this bell, which, however, found its way into your hands. I did not tell the meeting, as I might have done, that the clerks of the works and the contractor's foreman, were constantly complaining to me of your interference with the workmen, until it came to an actual quarrel. That on receiving a letter from you, I had a meeting on the ground of all parties, when you were excessively violent, and threatened to shoot the clerk of the works; but that you assured me that you had not encouraged the men to abstract the curiosities, that you had even refused to buy them, and had sent them back when offered. That after hearing all parties, I told you in their presence, that they were to continue to give you, as they declared they had done, every facility for pursuing your archaeological researches; but that as there were three witnesses to your interference with the workmen, I expected, on your part, an abandonment of all such interference.

I stated further to the institute, that all the curiosities thus collected, referring generally to their character, were, as you well knew, arranged with great care by the clerks of the works, and that they were then in my possession in a spare room at the London Institution, under the charge of Mr. Brayley, jun., who had been employed by the committee at some expense, to examine, classify, and report upon them. That there was a difference of opinion, in the committee, as to their being preserved in the City Library or the Gresham College; but that it would be my duty to bring Mr. Hawkins' letter before the Gresham Committee.

From this statement, which exhibits the actual circumstances of the case, I now turn to some of your misrepresentations. At page 270, of your article in the *Archæologia*, vol. xix. on these antiquities, there is the following sentence:—"Among the fragments of leather was one, as I am informed, stamped with the letters S. P. Q. R.; this I did not see, and I believe it was lost soon after it was in the possession of the Joint Gresham Committee, a fate that has also befallen other antiquities collected for that body." And at page 272, this:—"I regret that the regulations under which I was permitted to make my observations, in the course of the excavations on the site of the Exchange, did not tolerate such free and minute examinations as the importance of the subject required."

If you will refer to your own manuscript of this communication, you will see how much more offensive and unjust this latter sentence originally stood. I was not present at the society when your paper was read; but my attention was called to it by a friend, who pointed out to me also the report of it in *The Gentleman's Magazine*; and a reference to page 79, vol. xvii. here series, of that work, will give the character of your charge as it originally was made. The words are these:—"We were sorry to hear the writer state, that his exertions to rescue these objects, so illustrative of the ancient arts and manners, were opposed by persons who alleged they were instructed to do so by the United Gresham and City Improvement Committee, to the great obstruction of his researches."

The sentence in the *Archæologia* itself, was

changed on my strong representation, in the proper quarter, and by the authority of a much-lamented and amiable friend of the society, then one of the directors. After what I have stated of your perfect knowledge of all my arrangements, and their object, you will permit me to refer with some astonishment, to page 198 of the same volume of the *Gentleman's Magazine*, where, in a report of the proceedings of the Antiquarian Society of the 13th of January, 1842, I find that you, Mr. C. Roach Smith, produced to the society a very curious "Medalet, struck in lead, found on the site of the old Royal Exchange:—apparently," as you are made to state, "deposited there on the occasion of the memorable visit of Queen Elizabeth, at the inauguration of the original building," having "the inscription ANGLIA REGINA VARIQV HONORATA. Surely, I need not tell you, that the only proper place for such a very remarkable curiosity, could not be any private collection.

I shall not pursue this subject further, nor follow you in your favourite and repeated attacks on "City Authorities." In your letter to me, you threaten some very violent course in an appeal to the public; perhaps, when you do so, you will print this statement; if not, it will be my duty to do so for you.

I am, Sir, your obedient servant,

(Signed)

C. R. Smith, Esq., F.S.A., &c.

W. TITE.

#### ANNIVERSARY MEETING OF THE ROYAL SOCIETY.

THE Royal Society met, according to ancient custom, on St. Andrew's day (Monday last), to receive the auditor's report, and elect officers for the ensuing year. The meeting was numerously attended.

The president, Lord Northampton, was in the chair. The balance in hands of the treasurer was declared to be 2,076*l.* 11*s.* 10*d.* The total number of members is 831, of whom 61 are honorary or foreign. After the president had delivered his address, an admirable composition (ordered to be printed, on the motion of Sir Robert H. Inglis), and the society were about to ballot for officers, Mr. Gassiot, Fellow, whose name appeared in the letters signed "A Contributing Fellow of the Royal Society," which were published in *The Times*, rose to direct attention to them, in order that the author of them might not be elected into the new council. Mr. Gassiot, evidently much excited, but in very well chosen terms asserted, that as a merchant, which he was (and nevertheless he came into the society with the recommendation of a Faraday and a Herschell), the manner in which public attention had been drawn to his name, might have injured him fatally, in proof of which he appealed to some of the leading merchants of London, who sat near him. Mr. Gassiot read a letter from the solicitor to *The Times* proprietors, stating that Sir James South was the writer of the letters referred to, and another from Sir James South, in reply to an inquiry if he acknowledged them, saying the question was such that one gentleman had no right to ask another, and that he should not answer it. He, Mr. Gassiot, condemned strongly the conduct of the writer, in which he seemed to be supported by the meeting, and did not hesitate to call the letters slanderous. The President said he would venture to state, that no one gentleman present required any defence from Mr. Gassiot. With regard to the inquiry made of Sir James South, he hardly knew whether or not it was a fair one. A man either had a right to send anonymous letters, or he had not. If he had, he had a right to remain anonymous. If he had not, it was asking him to gratinate himself. He (the President) would consider that Sir James South felt himself to be wrong, and did not feel bound to acknowledge it. He differed even from Sir James South's general proposition, that Fellows should not write F.R.S. after their names, to advance their own interests. It was a great honour, and every man who was a Fellow had a right to say so.

The principal changes in the list of officers were—Mr. George Rennie to be treasurer, in the place of Sir John Lubbock, who finds himself unable to fulfil the duties; and Colonel Sabine, to be foreign secretary, the office held by the late Professor Daniells.

The Society afterwards dined together at

the Crown and Anchor, when a large number of toasts were ably and pleasantly proposed by the noble Marquis, and were responded to by Sir John Lubbock, Colonel Sabine, Captain Smythe, Mr. Amyott, Dr. Roget, Mr. Godwin, Mr. Greenough, Mr. Samuel Warren, who humourously defended the "non-contributing" fellows, Dr. Farrin, Mr. Sheepshanks, and others.

#### ASSESSMENT OF DILAPIDATIONS.

SIR,—In the query proposed by "A Surveyor," in your last number but one, whether in the assessment of dilapidations as against a tenant under covenant to repair, he can "make a charge for occupancy during the time necessary to complete those repairs," your correspondent appears to have fallen into the common error, of confounding repairs with dilapidations, whereas these two things are altogether dissimilar as well in their wrongs as in their remedies.

A tenant under covenant to repair, is entitled to a certain notice (usually of three months) detailing the repairs required. Should he neglect within the specified time to complete such repairs, your remedy is by ejectment for a breach of covenant.

Dilapidations are actual damages done to a property, by waste or otherwise, beyond fair wear and tear. The remedy for dilapidations is by an action for damages by waste, misuse, &c.

Rent can be taken of a tenant only under his own covenant to pay such rent. Dilapidations are damages, which no covenant can reach, otherwise their remedy would lie in ejectment, and can be claimed only on expiration of all covenants. Hence it is evident that no rent can be claimed under a covenant which does not exist; and rent can only be claimed under covenant. There is no case upon the books in which a loss of rent during repairs has been allowed in enhancement of damages by dilapidation. For my own part, I should not think it likely that such a claim was ever made, seeing that it is at once met by the reply—"If you were discontented with the state of the property during the existence of the lease, why did you not give notice of repairs? in which case no loss of rent could have accrued, and if such notice had been disregarded, you might have brought your action in ejectment, and by recovering possession of your property, prevented all the waste of which you now complain."

Nor would it be a sufficient answer on the part of the landlord that he was not cognizant of the want of repair during the term. Because he has reserved to himself a right of entry to view and survey, and therefore it will be supposed that he has exercised such right, and has been satisfied with the state of his property.

Again, it must not be forgotten, that a tenant whose term has expired, has no legal possession of the premises, and consequently is unable to perform repairs required of him as dilapidations. Now, therefore, could a loss of rent be charged to him, when he at least can exercise no occupation, and when, for all he may know to the contrary, another party may be actually in possession, and paying rent.

Property has its duties as well as its delights, its drawbacks as well as its advantages. Loss of rent during repairs of dilapidations, must be considered as a charge which it imposes. Lucky indeed is that landlord who has no greater grievance to complain of.

I am, Sir, &c. GRD. TATTERSALL.

42, Pall Mall, 26th Nov. 1845

CAMBRIDGE ANTIQUARIAN SOCIETY.—We learn that the council of the Cambridge Antiquarian Society have called a meeting to propose various arrangements for the promotion of its efficiency as a society for the study of history, architecture, and antiquities, and that persons favourable to such object who are not members of the society are requested to attend. In looking at the list of the council as given on the cover of its last publication, we see that Professor Willis is the president, Mr. Bahington treasurer, Mr. C. W. Goodwin, secretary; and that amongst the council are the names of the Masters of Clare Hall and St. John's college, Professor Corrie, the Vice-Provost of King's college, Rev. J. J. Smith, Sir H. Dryden, Rev. Jas. Goodwin, &c. &c.